Environmental Health Coalition

COALICION de SALUD AMBIENTAL

1717 Kettner Blvd., Suite 100 ◆ San Diego, CA 92101 ◆ (619) 235-0281 ◆ FAX: (619) 232-3670

ehc@environmentalhealth.org ◆ www.environmentalhealth.org

March 14, 2002

Mr. John Robertus
Regional Water Quality Control Board
9174 Skypark Court
San Diego, CA 92124

RE: Tentative Order R9-2002-0002 Waste Discharge Requirements for U.S. Navy, Naval Base Point Loma, San Diego County.

Dear Mr. Robertus:

Environmental Health Coalition (EHC) is delighted that, finally, 30 years after the passage of the Clean Water Act requiring polluting discharges to be permitted, the Navy Submarine Base has its first facility permit. Our files on this issue date back to a October, 1989 letter from Congressman Jim Bates to Mr. Garrett, then Secretary of the Navy, raising concerns about a the fact that the Regional Board has requested application in 1987 and the Navy had yet to apply. [1]

While the existence of a permit is encouraging, we have several serious concerns about the Tentative Permit. Our concerns center around the failure of the permit requirements to require prevention of pollutant discharges, lack of full assessment of risks, and the failure of monitoring to determine impacts of those discharges.

General Concerns

The following areas are the largest weaknesses in the permit. The tentative order:

1. Fails to upgrade storm water requirements to be comparable to other industrial tenants around the Bay like the commercial shipyards. The Tentative Order inappropriately relies on the application of the General Industrial Stormwater Permit to cover submarine base discharges. Regional Board should issue separate storm water permits as requested by the EPA.

2. Allows for toxic discharges to San Diego Bay without penalty or correction.

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[1] Letter form Congressman Jim Bates to Lawrence Garrett, Secretary of the Navy, October 23, 2989.

3. Relies on de-facto discharge limits of 63.6 ppb copper and 117 ppb zinc that are unsubstantiated and far too high to be used as discharge limits.

4. Fails to list impairments and account for them in the permit. For example, San Diego Bay is impaired for copper in the water column so discharge controls must be higher for that contaminant.

3. Fails to mention or address the radiological repair work, the storage and management of radioactive waste, and the risks of radioactive cooling water from the nuclear-powered submarines. It is interesting that the diesel engine cooling waters are considered a new discharge but cooling waters from Navy vessels nuclear power plants are not. There are Water Quality Objectives for radiation listed in the Basin Plan. They should be included in this permit.

4. Fails to require receiving water monitoring.

5. Fails to require regular sediment monitoring (Navy is allowed to develop its own plan which is not described in this permit).

6. Failure to include discharges from vessels when they are under repair at the facilities and not operating as transportation. We wish to restate for the record, it is EHC's position that vessels when in drydock, under repair, or at dock are not functioning as vessels of transportation and so do not qualify for the exemptions they enjoy when underway.

7. The fact that this is the Navy's first facilities permit in 30 years does not mean that they should be able to start where other industries began years ago. They need to develop an aggressive and immediate plan to comply with stringent standards.

Improper Reliance on the General Industrial Storm water Permit (Order 97-03) to regulate Submarine Base discharges

The continued use of the General Industrial Storm water Permit (Order 97-03) to regulate discharges from the SubBase is of particular concern. Although the SubBase and the Commercial Shipyards have the same Threat to Water Quality (1A), the commercial shipyards are required to perform at a much higher level. They are required to divert the first flush from high risk areas and monitor storm water discharges for toxicity and 10 metals. Mind you, the shipyard permit includes the barest minimum protections and is not without serious weaknesses itself. However, the permits for the industrial Navy bases should not be weaker and less protective than the shipyard permit. The Tentative Order is grossly deficient and does not even meet the standard of protection of the shipyard permit.

The Environmental Protection Agency supported the issuance of individual or more specific storm water permits in a letter to you on July 29, 2000. In the letter EPA states,

> *"...we recommend that the Regional Board issue individual permits or industry-specific general permits for storm water discharges from the Navy facilities similar to the permits*

issued for the commercial shipyards. This would be consistent with EPA's long-term permitting strategy for industrial storm water discharges. This EPA strategy begins with the issuance of baseline general storm water permits such as the State Board's statewide general permit. Over time, however, the strategy calls for the issuance of individual permits ...to replace the baseline permits, beginning with the facilities which are likely to be the most significant sources of pollutant in a given area. Given the scope of the Navy facilities and operations in San Diego , these facilities would be prime candidates for the issuance of separate storm water permits..."[2]

The Order should be rewritten to include more stringent storm water requirements in the individual permit. There are several reasons to support this.

1. The SubBase and the Shipyards have the identical rating for Threat to Water Quality. These facilities conduct similar work. The SubBase may be an even larger risk due to the radiological risks and more industrial outlets however, their storm water requirements are greatly reduced over requirements by the shipyards.

2. There have already been documented **very** significant levels of copper and zinc in the storm water discharges from the SubBase. It is already documented that the SubBase storm water is significantly contaminated with zinc and copper. The contamination with lead, PAH, and other contaminants appears to be unassessed . The water quality standard for San Diego Bay is 3.0 ppb copper. Navy storm water discharges are upwards of **4000 ppb-- 1,400 times the EPA benchmark!** (Fact Sheet at 34)

3. Additional proof that the General permit is not adequate is that copper and zinc are still far above the EPA Benchmarks even with their existing SWPP. Clearly, it is not working! This permit should require implementation of "aggressive measures" immediately. Mr. Ruzicska, Assistant Chief of Staff for the Environment for the Navy write in his February 25, 2998 letter to you stating that *"We do not feel that additional requirements should be imposed i.e. high risk areas, until it is determined additional requirements are necessary."*[3] With storm water discharges containing copper at 4080 ppb and zinc at 3560, that day has come.

4. The SubBase has at least 34 outfalls that drain storm water from industrial areas. The Shipyards have diversion systems on several of their highest risk outfalls. This should be required of the Submarine Base.

5. The Navy is capable of meeting the same requirements as the private sector. The Navy Graving Dock has the same storm water requirements as the commercial shipyards.

Radiation

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[2]Letter from Catherine Kuhlman, Associate Director, Water Division Region 9 EPA to John Robertus, July 29, 2000.

[3]Letter from Mr. Joe Ruziicska, Assistant Chief of Staff for the Environment to John Robertus, February 25, 2998.

We understand that the Navy has a strong aversion to talking about the nuclear and radiological activities at their bases. However, it is the responsibility of the Regional Board to ensure that these materials are tested for and prevented from contaminating the Bay. There are documented releases of nuclear power plant cooling water and Cobalt-60 into San Diego Bay and accumulated in sediments. Co-60 has been found consistently at the Submarine Base, most recently in the 1999 EPA report on the radiation in San Diego Bay.[4] In the 1989 assessment it was found at four stations at the SubBase.[5] In spite of the usual dismissal of all results as naturally occurring, Co-60 is not naturally occurring and is positively linked with nuclear propulsion. The 1989 reports confirms *"...cobalt-60 is the predominant radioisotope one would find in environment media if radioactivity is present as a result of Naval nuclear propulsion operations..."*[6]

Radiological work is occurring on the base and piers. In 1999, the Navy decommissioned the submarine tender USS McKee and replaced it with a shore-side nuclear submarine repair facility. The purpose of the facility made repair easier stating that *"....locating the radiological maintenance support capability close to the submarines allows efficient handling and processing of radiologically controlled materials and minimizes the distance these material must travel."* [7] It also means that the radiation stays closer to San Diego Bay, posing a risk for longer.

In spite of the Navy repeated claims of a perfect safety record. There have been accidents.

1. **Radioactive water leak, April 12, 2000- USS Olympia**

500 gallons of radioactive water leak from a pipe on a nuclear-powered submarine propulsion plant during a maintenance period at the Pearl Harbor Submarine Base. At least three civilian shipyard workers were exposed to traces of radioactive material. *(Associated Press, April 13, 2000)*

2. **Radiation Contamination of Sailors, 1995--USS California**

Three crew members were contaminated with small amounts of radioactivity after 100 gallons of radioactive water spilled from the ship's propulsion system in Bremerton, WA. One sailor was burned with 160-degree water during an accident involving testing of equipment in the cruiser's reactor compartment. (*Union Tribune*, 6/4/95 and *Navy Times*, 06-19-95)

3. **Release of Radioactive Water into San Diego Bay, USS Truxtun, 1979**

Thirteen gallons of radioactive "high-purity water" was spilled into San Diego Bay on September 2, 1979. Initial reports stated that the ship spilled as much as 80 to 100 gallons of radioactive water.(Neptune Papers, p57)

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[4]EPA Radiological Survey of Naval Facilities on San Diego Bay, January 1999, EPA-402-R-98-011

[5]EPA Radiological Survey of San Diego Bay, Mark Semler and Richard Blanchard, March 1989; EPA-520-5-88-019

[6]Ibid. page 5

[7]Environment Assessment for the Retention of Submarine Capability in Naval Port San Diego with the Decommissioning of USS McKee, February 1998; Page 1-5.

7. **Release of radioactive water into San Diego Bay, USS Gurnard, 1980**
The submarine USS Gurnard spilled 30 gallons of water containing radioactive material into San Diego Bay on July 20, 1980 (Neptune Papers, p.57)

Other accidents of concern.

1. **Fire on nuclear submarine, USS Pasadena injures two crew members, April, 2000**
Fire on nuclear submarine injures two crew members who received second and third degree burns. *(Honolulu Star Bulletin, Hawaii News, April 19, 2000)*

2. **Emergency shut-down of nuclear reactors on USS John C. Stennis, November, 1999**
The nuclear-carrier USS Stennis lost power when its two nuclear reactors underwent an emergency shut down due to silt clogging the intake pipes for the reactor cooling water system. The ship was towed back to the pier. Navy documents showed that the ship had "been in the mud", even though initial Navy reports stated the ship had not grounded. *(San Diego Union Tribune, December 2, 1999 and FOIA documents released to EHC)*

3. **Dangerous Working Conditions in the Nuclear Navy, 1996--DSU Mystic**
Excerpts from the FOIA documents received regarding the mercury spill into San Diego Bay in the NASNI Turning Basin by the Nuclear Navy Submarine personnel aboard the DSU Mystic. The Navy released the court-martial transcript to us as well as many other documents demonstrating fatigued personnel, impossible scheduling, and an overworked crew. The Engineer of the DSU Mystic even had a breakdown prior to the incident. One crewman received a court-martial for making false statements and for dereliction in performance of duty.

3. **Falsification of Documents, 1995--USS Salt Lake City**
Navy investigation documents stating that falsification of documents was a common occurrence aboard the USS Salt Lake City and was one of the reasons for the removal of the Commanding Officer. Documents provided under FOIA.

4. **Alleged Sabotage, 1996-- USS San Juan**
News article from regarding potential sabotage aboard a nuclear powered submarine in 1996 in Groton, CT. A sailor was relieved of duty due to suspected sabotage of a nuclear reactor on the USS San Juan, a fast-attack nuclear submarine in Groton, CT. Wires were severed that supply power to retract the reactor's control rods which dampen nuclear reaction. (*Union Tribune* 08-23-96) EHC has requested documentation on this incident.

We include this sampling of accidents and near-misses to make two points, 1) accidents and releases can happen --even to the Navy and 2) facilities and piers should be upgraded so that water and releases can be diverted in the event of an accident. This is not too much to ask the Navy to do to protect San Diego Bay.

SPECIFIC ISSUES

FACT SHEET

1. The permit should include a list of waste sites on the base and results of any earlier sediment testing.
2. The nuclear repair facility needs to be more completely discussed including the kinds of work done there and waste generated. Requirements for water and sediment monitoring for radiation must be required in the permit.
3. Please include nuclear and radiological work on the list of industrial activities on page 4.
4. The names of the NBPL Installations should be spelled out in the title of each section on pages 5-10. The general reader does not know these TLAs (Three letter acronyms).
5. Include radioactive waste in the list of prohibited discharges on pp. 12-13.
6. Please verify that there are no PCB containing elements in the electrical vaults discussed on page 13. If PCBs are present, the discharge and monitoring requirements must be far more stringent. The Navy needs to officially verify for the Regional Board (and the public) in writing that these vaults contain no transformers or other devices that contain PCBs.
7. If the Navy states that the run the diesel engines less than 40 hours a year, that limit should be written into the permit. The same limits should apply any where they make claims about maximum numbers of days or hours, or gallons that occur each year. Submarine repair can run in cycles and we don't want a permit based on a year that was less active than usual. We learned our lesson about that on the TSS limits on the Pt. Loma plant permit of several years ago.
8. We are very concerned about the reliance on UNDS standards for this permit. These limits are not finalized yet, nor do we think they will be enforceable. We expect to have serious objection to these standards if they do not comply with California standards and are not enforceable by a non-navy regulatory agency. Until they are adopted and found to be protective, they should not be included in the permit.
9. Lack of Navy Accountability- In the interest of full disclosure, the fact sheet should note the areas that the Navy is partially exempt from environmental regulation. Navy vessels are fully exempt from OPA90 and the federal Ballast Water discharge law. The Regional Board cannot assess fines or other penalties against the Navy if they do violate their NPDES permit. The 14,000 violations at Camp Pendleton has taught us that. This is highly unfortunate, but a fact nonetheless and belongs in the Fact Sheet.

Tentative Order R9-2002-00002
Findings

1. The Regional Board does not have the basis to make Finding 11 based on lack of limits and monitoring requirements.
2. The Regional Board cannot make Finding 12 because the state cannot fully enforce against he Navy due to the incomplete waiver of sovereign immunity and exemption of the nuclear Navy from regulation.
3. The Regional Board cannot make finding 16 due to a lack of assessment of radiation as a contaminant.
4. **Discharge Specifications.** B.2 is so weak as to be essentially meaningless. In practice, this means that even if they discharge waste 20 times higher than the water quality objective the only requirement is to monitor again! This is outrageous.
5. B.2.c should be an immediate specific requirement of this permit. Any outfall that exceeds

the bench mark should be immediately diverted from the Bay. In addition, the requirement for first flush diversion must be added to the permit.

6. Establishing receiving water limitations without any monitoring will not protect water quality. Receiving water monitoring should be required.
7. Dissolved oxygen should be required to be measured during the worst-case time.
8. D.4. How can this permit require compliance with "standards" that are not even developed yet. The Regional Board has no idea if they will be sufficient or protective enough to be included in the permit. Also, what are the requirements until then.
9. **Reporting Requirements.** 6.b. This seems very oddly written, but must include a notification limit for radiation.
10. Since violations cannot lead to fines due to the immunity of the Navy, it should not be included in the penalty of perjury certification.

FUNDAMENTAL PERMIT ISSUES

The failure to make the critical link between monitoring, permit limits, and action to abate violations has been a consistent shortcoming of the three most recent permit renewals we have read and is very troubling. We request that the Board set some policies around what minimal requirements a NPDES permit must have. We recommend that all permits:

- set limits for all potential pollutants at a site,
- require monitoring for those pollutants,
- require receiving water monitoring for waters that are discharged into,
- set limits for those receiving waters,
- establish limits and monitoring for sediments where sediment contamination is a possibility,
- establish actions that must be taken in the event of violations that stop the pollution from occurring.

Support Removal of Immunity of the U.S. Navy from the Clean Water Act

Once again, we are faced with the scenario that a facility cannot be fully regulated under the Clean Water Act because it is the Navy. We urge the Regional Water Quality Control Board to consider endorsing H.R. 2154, the Military Environmental Responsibility Act which would remove all exemptions of the military from environmental laws, including the Clean Water Act. As long as the military is fully or partially exempt, we will not be successful in bringing them into compliance and protecting San Diego Bay. We urge the Board's support of this much needed law.

Environmental Health Coalition is still reviewing and researching this permit. We expect to submit additional comments before the hearing. Please keep us informed about this permit and thank you for the opportunity to comment on it. We also wish to state that we greatly appreciate the workshop opportunity to discuss these issues in advance of the hearing.

Sincerely,

Laura Hunter

Laura Hunter, Director
Clean Bay Campaign
cc. Mr. John Minan, Chairman Regional Water Quality Control Board

JIM BATES
44th DISTRICT, CALIFORNIA

COMMITTEE ON ENERGY AND COMMERCE

COMMITTEE ON GOVERNMENT OPERATIONS

COMMITTEE ON HOUSE ADMINISTRATION

CHAIRMAN
SUBCOMMITTEE ON PROCUREMENT AND PRINTING

NOV 27 1989

Congress of the United States
House of Representatives

October 23, 1989

PLEASE REPLY TO:

☐ 224 CANNON BUILDING
WASHINGTON, D.C. 20515
(202) 225-5452

☐ MARKETPLACE AT THE GROVE
3450 COLLEGE AVENUE, #220
SAN DIEGO, CA 92115
(619) 287-8851

☐ 430 DAVIDSON STREET, SUITE A
CHULA VISTA, CA 92010
(619) 691-1166

H. Lawrence Garrett III
Secretary of the Navy
Pentagon Building
Washington D.C. 20350-1000

Dear Mr. Secretary:

It has been brought to my attention recently that major United States Navy facilities in San Diego Bay are still operating without benefit of National Pollution Discharge Elimination System (NPDES) permits. These facilities include the 32nd Street Naval Station, North Island Naval Air Station, Naval Amphibious Base, Coronado and the Ballast Point Submarine Base.

I understand that these facilities were requested to apply for NPDES permits by the State Regional Water Quality Control Board in November 1987, and there has been no commitment to comply to date. This creates significant problems for the Regional Board and other agencies who are attempting to cooperate in a comprehensive five year "San Diego Bay Clean Up Plan".

The NPDES program was created as part of the nation's commitment to clean up and restore our waterways. I would hope that the Naval facilities involved can be encouraged to cooperate with the local agency designated by the Environmental Protection Agency to protect this vast waterway.

Please let me know when the Regional Board might expect submission of these permit applications and if there are any extenuating circumstances to explain a year and one-half delay in complying with this request.

Sincerely,

JIM BATES
Member of Congress

JB:xji

Laura Hunter

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105-3901

JUL 29 20[redacted]

In Reply
Refer to: WTR-5

John Robertus
Executive Officer
California Regional Water Quality Control Board,
San Diego Region
9771 Clairemont Mesa Blvd, Suite A
San Diego, CA 92124-1324

Dear Mr. Robertus:

The purpose of this letter is to encourage the San Diego Regional Board to proceed with the Board's own proposal to issue individual permits or industry-specific general permits for storm water discharges from Navy facilities in the San Diego area. In 1997, the Regional Board issued two general permits (CAG039001 and CAG039002) covering various discharges, including storm water, from commercial shipyards in the San Diego area. At the time, the Regional Board also indicated that it intended to issue similar permits for Navy facilities in the future.

For storm water discharges from San Diego's commercial shipyards, the Regional Board's two general permits superceded the coverage previously provided by the statewide general storm water permit issued by the State Board. The statewide general permit only includes generic best management practice requirements given the broad range of industrial facilities which are intended to be covered by the permit. The requirements of the Regional Board's general permits, however, are specifically tailored to shipyards and we believe these permits will be significantly more protective of San Diego Bay than the State Board's general permit. At a recently meeting with Region 9, the Environmental Health Coalition also expressed concern regarding the coverage of the Navy facilities by the State Board's general permit.

We understand that Regional Board staff are currently reviewing Navy facilities in the San Diego area to assess the activities occurring at the facilities and the risks posed to storm water discharges. Where appropriate based on this review, we recommend that the Regional Board issue individual permits or industry-specific general permits for storm water discharges from the Navy facilities similar to the permits issued for the commercial shipyards. This would be consistent with EPA's long-term permitting strategy for industrial storm water discharges (57 Fed. Reg. 11397, April 2, 1992). This EPA strategy begins with the issuance of baseline general storm water permits such as the State Board's statewide general permit. Over time, however, the strategy calls for the issuance of individual permits or industry-specific general permits to replace the baseline permits, beginning with the facilities which are likely to be the most significant sources of pollutants in a given area. Given the scope of the Navy facilities and operations in

San Diego, these facilities would be prime candidates for the issuance of separate storm water permits in accordance with the long-term permitting strategy.

Thank you for considering our recommendations concerning the permitting of the Navy facilities in San Diego. Should you have any questions regarding this matter, please call me at (415) 744-2001, or refer your staff to Eugene Bromley of the CWA Standards and Permits Office at (415) 744-1906.

Sincerely,

Catherine Kuhlman

Catherine Kuhlman
Associate Director
Water Division

cc: Paul Richter, San Diego Regional Board
Deborah Jayne, San Diego Regional Board
Laura Hunter, Environmental Health Coalition

l/EPA

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gional Water
ality Control
ard, San Diego
gion

l Clairemont Mesa
l., Suite A
Diego, CA 92124
) 467-2952
: (619) 571-6972

Pete Wilson
Governor

December 19, 1997

J.G. Ruzicska, Assistant Chief of Staff for Environment
Department of the Navy
Commander Naval Base
937 North Harbor Drive
San Diego, CA 92132-5100

NPDES PERMITTING OF NAVY DISCHARGES TO SAN DIEGO BAY

Dear Mr. Ruzicska:

Thank you for your letter, dated November 5, 1997, concerning development of an NPDES permit for Navy discharges to San Diego Bay. As you requested, the schedule for preparation of and SDRWQCB consideration of the tentative NPDES permit(s) has been revised. As you requested, SDRWQCB staff has provided the Navy with a copy of the recently adopted general NPDES permits for commercial shipyards on San Diego Bay.

You also requested that SDRWQCB staff provide the Navy with feedback on the effectiveness of the current Navy program for compliance with the statewide general industrial storm water permit. SDRWQCB staff is also interested in evaluating the Navy program. However, at this time, it appears that oversight of construction sites during the current rainy season will prevent us from completing such an evaluation until late Spring, 1998.

Since the October 23, 1997 meeting between Navy representatives and SDRWQCB staff concerning NPDES permitting of Navy discharges to San Diego Bay, SDRWQCB staff has evaluated the need for the Navy to submit a new NPDES permit application (i.e. a report of waste discharge) for such discharges. SDRWQCB staff has concluded that submittal of an application is necessary in order to provide complete and up-to-date information needed to draft the appropriate NPDES permit (or permits). The permit (or permits) may cover (a) planned/intended non-storm water discharges, (b) unplanned/unintended (potential) non-storm water discharges, (c) storm water discharges associated with industrial activity, and (d) storm water discharges not associated with industrial activity. At this time, it is the understanding of SDRWQCB staff that the Navy would prefer to have one permit which covers all discharges, with the possible exception of discharges in category (c) above, which the Navy may prefer to remain under the statewide industrial storm water permit. After receipt and review of the Navy application, SDRWQCB staff will be prepared to further discuss permitting alternatives.

It would be very helpful if the new application would include a matrix identifying which discharges occur or could occur at which sites/facilities. For purposes of

discharges in categories (b), (c), and (d), the application should identify and describe all Navy facilities and activities on, adjacent to, or tributary to San Diego Bay that result or could result in direct or indirect discharges of wastes or pollutants to San Diego Bay.

In order to provide a single comprehensive and up-to-date source of information about Navy discharges, the new application should entirely supersede the following six Navy NPDES permit applications which have previously been submitted to the SDRWQCB:

1. Naval Public Works Center Graving Dock (permit renewal application dated November 5, 1991);
2. Naval Station San Diego (new permit application dated November 13, 1989);
3. Naval Air Station North Island (new permit application dated December 20, 1989);
4. Naval Submarine Base (new permit application dated April 25, 1991);
5. Naval Amphibious Base (new permit application dated November 7, 1989 and supplement received July 15, 1991); and
6. Naval Magnetic Silencing Facility (new permit application dated March 26, 1996).

However, the new application should not be limited to vessel repair and maintenance discharges or other discharges identified in these six applications. The new application should identify and characterize all Navy discharges in categories (a) and (b) above, and should identify and describe all Navy facilities and activities for purposes of categories (b), (c), and (d) above.

This request for submittal of an NPDES permit application is made pursuant to California Water Code sections 13267 and 13376. Please submit the complete application no later than February 19, 1998.

SDRWQCB staff looks forward to continuing to work with the Navy on this NPDES permitting effort. If you have any questions, please contact Mr. Bruce Posthumus at (619) 467-2964

Sincerely,

John H. Robertus
Executive Officer

cc: Sue Yingling
John Richards

DEPARTMENT OF THE NAVY
COMMANDER NAVAL BASE
937 NO. HARBOR DR.
SAN DIEGO, CALIFORNIA 92132-5100

IN REPLY REFER TO:
5090
Ser N452/0183
February 25, 1998

SAN DIEGO REGIONAL
WATER QUALITY
CONTROL BOARD
1998 FEB 25 P 4:56

Mr. John Robertus
Executive Officer
CA Regional Water Quality Control Board
San Diego Region
9771 Clairemont Mesa Blvd., Suite A
San Diego, CA 92124-1324

Dear Mr. Robertus:

Per your request, we are providing the attached information regarding our point source discharges. Individual naval facilities prepared this information to update/augment the previously submitted individual applications for facilities to be covered by the proposed Navy General NPDES Permit. We understand this information is required to continue our joint effort to develop a permit option to appropriately regulate our installations/operations. Our mutual goal remains protecting the water quality/beneficial uses of San Diego Bay with minimal impact to Naval operations.

Due to time and resource constraints we were unable to obtain contract support for this effort. Additionally, several different permitting options still remain, with very different ways to regulate classes of discharges (e.g. point sources vs. stormwater). Therefore, we believe that a formal application should, if required, be submitted upon mutual agreement to select one of the permitting options. Notwithstanding these concerns, we have made every effort to provide detailed characterization of our known and potential discharges to the Bay.

We would like to take this opportunity to provide some of our thoughts on the permit options and issues to clarify our current position. These options and issues are not in order of preference or importance.

OPTIONS:

a. One regional permit for all point sources at all Navy Facilities and no change for stormwater (when applicable, individual facilities would apply under the State General Industrial Permit and/or the State General Construction Permit). Under this option, vessel repair and maintenance would be permitted under the point source permit and both industrial and non-industrial discharges would be permitted under

the General Industrial Permit (under provision F.4). This option would result in one point source permit, facility specific NOIs, and project specific Construction NOIs.

b. Three individual point source permits, one for each of the future (regionalized) Naval Base Complexes (Coronado, San Diego and Point Loma). No change for stormwater from option (a), with individual complexes applying to operate under the State's General Industrial and Construction Permits.

c. A single permit for point sources and incorporate by reference the State General Permit for all Navy Facilities. The State permit would be incorporated exactly as is, at least until such time as the effectiveness of the Navy's current program can be determined. We do not feel that additional requirements should be imposed, i.e. high risk areas, until it is determined additional requirements are necessary.

ISSUES:

a. Due to the significant input of contaminants to the Bay from urban runoff, the Navy, as a downstream/downslope regulated discharger, has an interest in the control of inland contributors. It appears that one way for direct involvement is to become a Co-permittee to the new Municipal permit currently under development. We have some concerns with this permit in its current form; however, we will have the opportunity to address them during the comment period. Another idea may be to develop municipal-like requirements for inclusion in the single permit option, outlined in Option (c) above.

b. Any issues relating to vessel discharges, are being addressed by the Uniform National Discharge Standards (UNDS) and have not been included in this information. We understand that issues such as underwater hull cleaning and hull husbandry are important, however, these issues will be addressed for all vessels of the Armed Forces through the UNDS rulemaking process.

c. We reiterate our commitment to improving the health of San Diego Bay. As discussed at our October 21, 1997 meeting this can best be accomplished through a comprehensive integrated monitoring plan based on ecological risk, not through end-of-pipe enforcement based sampling. The Navy stands committed to help lead the way towards a cooperative watershed management approach to water regulation in San Diego Bay. We would like the Navy General NPDES Permit to foster cooperation between the regulated community and regulators. Our idea includes more meaningful NPDES monitoring focusing on the San Diego Bay receiving

systems (i.e. water, sediment, biota), in exchange for relief from implementation of requirements that are less meaningful, burdensome, or cost prohibitive. We would like to see monitoring programs in San Diego Bay become more aligned with EPA's current National focus on waterbodies and watersheds, as well as recent local efforts. For several years, the efforts of the San Diego Interagency Water Quality Panel and Port District Technical Advisory Committee have resulted in a steadily strengthening consensus that a long-term integrated monitoring program is needed to accurately assess the health of San Diego Bay. An Ecological Monitoring Sub-Committee reporting to both groups recently completed a strawman monitoring plan that, if implemented, would require participation and financial support from many different stakeholders. Meanwhile the Southern California Coastal Water Research Project (SCCWRP) has been working with the Board and many other stakeholders to design an integrated sampling plan for implementation in the summer of 1998, with the view it would become a periodic effort to evaluate long term trends.

We are developing a proposal for monitoring, consistent with these two plans, that the Navy would perform within the structure of our NPDES Permit(s). This proposal would provide baywide water quality mapping, complemented by representative outfall monitoring, on a semi-annual basis. Additionally, using a type of stratified random design, we would provide baywide trend assessment of sediment contamination and ecological effects, perhaps annually. This model permit could be expanded into a general Bay permit as other stakeholders contribute in a similar manner, to carry out more extensive integrated monitoring on a regular basis. If such a monitoring program could be developed and implemented, the health of San Diego Bay could be more accurately assessed over time. The data obtained would be more useful for demonstrating compliance with the Clean Water Act and thus ensure the protection and propagation of fish, shellfish, and wildlife. Three major advantages to this approach would be: monitoring would be paid for by the dischargers through the NPDES permit, the results would give a clearer picture of the health of San Diego Bay (providing for trend analysis), and more would likely be accomplished as result of a teamwork atmosphere in a cooperative effort of stake holders.

Naturally, to ensure that the regulatory relief is not percieved to encourage additional pollutant discharges, the Navy permit would clearly contain the necessary language to comply with the Anti-Backsliding and Anti-Degradation provisions of the NPDES regulations.

5090
Ser N452/

We request, upon completion of your review, a meeting be scheduled to discuss your findings, discuss our options and continue to work through this permit process together.

Our point of contact is Ms Sue Yingling, at (619) 532-2276, FAX (619) 532-2288 and e-mail suey@cnbsd.navy.mil.

Sincerely,

J. G. RUZICSKA
Assistant Chief of Staff
for Environment
By direction of the Commander

Enclosure: 1. Point Source Discharges